

**Minutes of the Carlisle Board of Health
March 3, 2009**

Present: Board Members Chris Deignan (Chairman pro-tem), Bill Risso, Michael Holland; absent - Leslie Cahill, Jeff Brem; also present: Linda Fantasia (Agent).

The meeting was called to order at 8:00 p.m. at the town hall.

278 SOUTH STREET – house renovations. Present for the discussion was Mark Sleger of Allen Engineering, Andrew Barlow and Elizabeth Ahern, owners.

Sleger explained that the project involves demolishing the existing three bedroom house and replacing it with a three-bedroom house within the same footprint. There is a three bedroom septic system which passed a Title 5 Inspection in 2004 and 2009. The 2009 report has not yet been submitted to the Board. The system was installed in 1982. At that time it required one local waiver for the distance between the septic tank and well (52'). Under the current local regulations, this is no longer an issue. In 1982 the leaching area met the 100' setback to wetlands. According to recent wetland delineation, this is no longer the case. The wetland line is now approximately 30' from the leaching area. Sleger said the leaching area consists of six 64' long trenches 2' x 1'. According to the current loading rate and including the sidewalls of the trenches the leaching area would meet the new local design flow requirements for a three bedroom dwelling. The tank will be replaced with a dual compartment tank as part of the construction project. According to Sleger, the project is not considered new construction under Title 5 since there will be no increase in flows. It would be classified new construction under the Building Code.

The Board compared the original design and the non-existent wetland to the proposed construction which shows the new wetland area. Sleger said there is a 4' difference in elevation between the system and the wetland. Since there were no other waivers granted, it is assumed that the existing system has the required 4' separation to groundwater. The Board reviewed the local regulation on pre-existing non-conforming systems. The system was in compliance at the time it was permitted. The non-conformance is the result of a new event, namely the expansion of the wetland. The situation is unique and does meet the definition for strict application of the pre-existing, non-conforming use regulation. The Board explained that the motivation behind the regulation was to prevent an owner from building a new house after benefiting from Board of Health waivers granted to upgrade a failed septic system. This is not the case at 278 South Street since the owners are not increasing the flows.

The Board said there are two options: one is to demonstrate that a fully compliant system could be installed; the second would be to ask for a waiver for the setback to wetlands which would bring the existing system into compliance. The owners expressed interest in asking for the waiver. This would require a public hearing before the Board. Abutters must be notified ten calendar days prior to the hearing. The next meeting is 3/17/09.

CURVE STREET MANURE COMPLAINT – Tammy Casserly of Curve Street appeared before the Board.

Fantasia explained that in January Casserly had called the Health Department about manure in the roadway while being transported to the field at the corner of Fiske and Curve which is leased to Mark Duffy. The activity began in December and continues on a regular basis. The Town of Carlisle owns the land. The Conservation Commission is charged with the care and custody of the land which is under an Agricultural Preservation Restriction. Duffy leases the land for growing corn for his livestock.

Following the complaint, Fantasia and Willard visited the site on 1/23/09 and observed a large pile of manure in the middle of the field. Geese were feeding from the pile. Smaller piles of manure were observed along the entrance to the field. There was also a line of manure spills along Curve Street to Lowell Road. It was not possible to avoid the piles with a car. It was very smelly. Fantasia followed up with Duffy on 1/26/09. He agreed that there was a problem. Eventually he hopes to purchase a new truck. He uses the manure to fertilize the field in the spring and to alleviate stockpiling at the farm. Currently the manure is transported in an open wagon behind a tractor. It leaks through the bottom of the wagon. He agreed protect the load in future transport. Holland asked if it was cow manure

which does not smell too badly. Fantasia and Casserly said it has a very bad odor, but they were not sure about the composition.

Casserly said the problem seemed to be resolved for a few weeks, but has recently started again. She is also concerned that it is being trucked in at night. She observed the tractor travelling on Curve Street at 9:10 p.m. on 3/2/09 and tonight on her way to the meeting. It was noted that it is illegal to be littering in a public roadway.

Casserly said she is concerned that children, pets, bikes, and cars are travelling through the manure. She is aware that Carlisle is a farming community and has no problem with the field being farmed. Her only concern is the depositing of manure in the roadway. She provided the Board with pictures from the last tractor run. The Board agreed that it should not be happening and Duffy needs to take better precautions during transport.

The Board agreed to send a letter to the Commission, with a copy to Mark Duffy, requiring that the Commission prohibit the transporting of manure in open vehicles. The Commission should also find out whether there are any town bylaws preventing this activity at night.

MINUTES– Next meeting

ADMINISTRATIVE REPORTS

Budget – FY10 Fincom is recommending a 10% cut for the Land Use Departments for FY10 which is the same as the FY09 Appropriation. The Board will consider whether it should meet with FinCom and the other Land Use Departments to discuss the reason for the recommendation.

Election - Michael Holland and Mark Caddell are the two Board of Health candidates. Caddell is a dentist.

Septic Loan Program - DEP has agreed to a partial release of the grant (\$10,000).

Lyme Disease Talk – Lois D’Annunzio of the Garden Club would like the Board to co-sponsor a film presentation called “Under Our Skin” which deals with Lyme Disease. She is going to preview the film on 4/16/09. There would be a small cost. The Board agreed to take the suggestion under consideration. Lyme continues to be a very prevalent in town and the state recommends ongoing public education as the best prevention.

Mosquito Control Program – the State Veterinarian, Catherine Brown, provided a number of pertinent articles for the Board to consider.

Pictometry- the 2008 version was installed on the Board’s computers and laptop today. Allen Bishop of MAPC provided training for the various departments. The Board’s Pictometry is tied into ArcGIS on the server for access to the town’s map and parcel data.

Joint Meeting with Planning Board – Brem, Deignan, Risso and Fantasia met with the Planning Board on 2/23/09. Deignan reported that there was a very helpful sharing of information on the various permitting responsibilities of each board. Board of Health members made it clear that public health land use permitting is not the same as zoning. The Planning Board had a number of questions and recommendations relative to large systems which the Board of Health agreed to consider. Planning Board also had questions on the Board’s proposed Well Regulations. The Board has received comments from Planning Board Chairman, Greg Peterson, which it will consider at the public hearing.

One of the points to be considered is the need to cap flows for irrigation wells. The Board set a condition on this for Coventry Woods based on land area to be treated and vegetation. Holland said that it is important to do the flow tests all at the same time. Risso said other points to consider would be when to require sensors in wells and how to deal with impacted wells. The Board needs to decide what qualifies as an impact and then how to address it. Holland said a 3’ impact on a 300’ deep well might be minimal. A larger drawdown would be more significant. It is hard to be prescriptive about something with so many variables. If there is evidence of impact, a peer review of the

hydrological conditions would be appropriate. The Board has been considering this type of testing for systems over 2000 GPD. The Board agreed to review Peterson's comments and discuss them at the next meeting.

211 BELLOWS HILL ROAD – release of a Four Bedroom Title 5 Deed Restriction. The system was upgraded from to a seven bedroom system in 2006 and is therefore in compliance. The property is being sold and the new owners are asking to have the restriction released.

It was moved (Holland), and seconded (Risso) and unanimously voted to release the Bedroom Deed Restriction for 211 Bellows Hill Road.

There was no further business discussed. Meeting voted to adjourn at 8:45 pm.

Respectfully submitted,

Linda M. Fantasia
Recorder